

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 2004 CV 11234
MEL

BOYD FULTON,

Plaintiff

VS.

TOWN OF HULL,
MASSACHUSETTS

Defendant

AFFIDAVIT OF ROBERT WHITE

I, Robert White, hereby state on oath as follows:

1. I am the Working Foreman of the Town of Hull Highway Department. As such, I am presently the senior employee in charge of the Department.
2. I have worked for the Town of Hull for 29 years. I am familiar with the operational practices of the Department, including the brief period during which the plaintiff worked for the Department.
3. In reference to call back expectations, the policy and practice of the Department during the time the plaintiff was employed was that if an employee was called while off duty on their pager, they were expected, if possible, to call back within 30 minutes and to report to work within 30 minutes if they were able to do so. If they were not able to report to work within the 30 minute period, they were expected to report to work when they could, subject to the approval of the Department.
4. If an employee, when called on his pager to return to work, was out of Town, or otherwise engaged in some activity that prevented him from returning to work within the time period needed, the employee would be excused. Examples of this would be if an employee was in Boston or some other distant place when called and/or was otherwise engaged in some activity that made returning to work impossible or inconvenient.
5. In terms of being available for possible call backs due to snow plowing needs,

employees were not expected to remain in the area or at home. As described above, if they were needed, they would be called on the phone or pager and if able to, would be expected to return to work within 30 minutes if they were able to do so. In the event that they were engaged in some other personal activity and could not reasonably return to work, or if they were out of Town when called and could not return to work within the time period requested by the Department, they would be excused from coming back to work. If available and if possible, they were expected, due to the public safety issues involved, to return to work.

6. I have other information concerning the operations of the Department and the plaintiff, but believe that this information is sufficient for the purpose of this present affidavit.

Signed under the pains and penalties of perjury this 8th day of June, 2006.

Robert White

Robert White

Plymouth, ss.

Commonwealth of Massachusetts

June 8, 2006

Then personally appeared the above named Robert White who acknowledged the foregoing to be true to the best of his knowledge, information, and belief and that which is based on his information and belief that he believes the same to be true. Before me,

James B. Lampke

James B. Lampke

Justice of the Peace

My Commission expires May 26, 2011